

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NOVO NORDISK A/S,

Plaintiff and Counterdefendant,

v.

AVENTIS PHARMACEUTICALS INC,  
SANOFI-AVENTIS, and AVENTIS  
PHARMA DEUTSCHLAND GMBH

Defendants and Counterplaintiffs.

Case No. 1:05CV00645 SLR

**REDACTED - PUBLIC VERSION**

**DECLARATION OF STEPHEN J. VITOLA**

I, Stephen J. Vitola, declare as follows:

1. I am an associate with the law firm of White & Case LLP, counsel for Plaintiff Novo Nordisk A/S, in this litigation. I offer this declaration in support of Novo Nordisk A/S's Reply to Aventis's Response to Novo Nordisk A/S's Motion to Voluntarily Dismiss the Complaint and Dismiss Defendants' Counterclaims for Lack of Subject Matter Jurisdiction.
2. Attached hereto as Exhibit 1 is a true and correct copy of a letter to Eric Moran of McDonnell, Boehnen, Hulbert & Berghoff ("MBHB"), from Stephen J. Vitola, dated July 18, 2007.
3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the deposition transcript of Stefan Schwarz taken November 15, 2006.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the transcript of the court hearing held before the Honorable Sue L. Robinson on April 11, 2007.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the deposition transcript of Stefan Schwarz taken November 15, 2006.

6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the deposition transcript of Fritz Kirchhofer taken June 29, 2007.

7. Attached hereto as Exhibit 6 is a true and correct copy of a letter to the Honorable Sue L. Robinson, from Anne Shea Gaza, dated January 6, 2006.

4. Attached hereto as Exhibit 7 is a true and correct copy of a letter to James M. McCarthy of MBHB, from Stephen J. Vitola, dated October 16, 2006.

5. Attached hereto as Exhibit 8 is a true and correct copy of a letter to Stephen J. Vitola, from Eric Moran, dated March 16, 2007.

6. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the deposition transcript of John Harrington taken January 24, 2007.

7. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the deposition transcript of Dr. Nils Basso taken November 29, 2006.

8. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the transcript of the court hearing held before the Honorable Sue L. Robinson on April 11, 2007.

9. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the deposition transcript of Stefan Schwarz taken November 15, 2006.

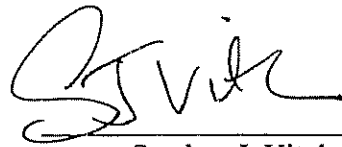
13. Attached hereto as Exhibit 13 is a true and correct copy of Order No. 5: Denying Respondents' Motion for Sanctions, issued on January 29, 2007 by the U.S. International Trade

Commission in In the Matter of Certain Insulin Delivery Devices, Including Cartridges Having Adaptors Tops and Components Thereof, Inv. No. 337-TA-572.

14. Attached hereto as Exhibit 14 is a true and correct copy of an Order issued by the U.S. District Court for the District of New Jersey in Sanofi-Aventis U.S. LLC v. Novo Nordisk, Inc., Civil Action No. 06-1369 (MLC), dated June 22, 2006.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, NY, on July 26, 2007.

  
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Stephen J. Vitola

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

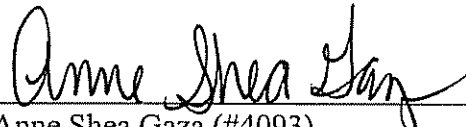
**CERTIFICATE OF SERVICE**

I hereby certify that on August 2, 2007, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Steven J. Balick, Esquire  
John G. Day, Esquire  
Lauren E. Maguire, Esquire  
Ashby & Geddes  
500 Delaware Avenue  
P.O. Box 1150  
Wilmington, DE 19899

I hereby certify that on August 2, 2007, I have sent by Federal Express the foregoing document to the following non-registered participants:

Paul Berghoff, Esquire  
McDonnell Boehnen Hulbert  
& Berghoff LLP  
300 South Wacker Drive  
Chicago, Illinois 60606-6709

  
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Anne Shea Gaza (#4093)  
Gaza@rlf.com